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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,955	08/10/2005	Roman Cetnar	19339-099997	3772

7590 03/27/2007
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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/517,955

Applicant(s)

CETNAR ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on January 8, 2007.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
3. **Claims 1,4,5 and 7-15 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The current amendment to the specification and to claim 1 and the new claim 12 recites the limitation that the shield is securely retained on the second end of the buffer by "snap-fitting" opposite lateral edges of the shield around the buffer.

The original specification discloses that the shield plate 40 has a U-shape with opposite lateral edges that are folded on the buffer. The plate is fixed by forcing the plate on the buffer.

Now, the applicant is trying to incorporate that the shield plate is snap-fitted to the buffer.

At the instant, forcing the shield plate or snap fitting the plate are not the same and are considered as different methods of installing the shield on the buffer. Therefore, this new limitation is considered as new matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1,4,12,13 and 15 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,848,911 to Watermann et al (Watermann '911) in view of US Pat No 3,997,202 to Tack et al (Tack '202) and further in view of US Pat No 4,130,308 to Jeavons.

Regarding claims 1,12 and 13, Watermann '911 discloses a lock comprising a closing mechanism (8 and 32) designed for coupling with a lock striker (12) along a direction of relative coupling; and a supporting body (1) having a housing seat (11) for an engagement portion of the lock striker and having an entry area for the engagement portion of the lock striker and is delimited laterally, by a pair of opposing sidewalls (9 and 10), and at an end opposite to the entry area by a bottom wall (40) orthogonal to the direction of relative coupling.

The lock further comprises an elastically compliant buffer (17) having a first end coupled to the bottom wall retaining the buffer in the housing seat.

However, Watermann '911 fails to disclose that the buffer is coated on their surface, in the area of interaction with the engagement portion of the lock striker by a rigid protective shield. Watermann discloses that the arrest means (17) is distinct from the ramps (9 and 10).

Tack '202 teaches that it is well known in the art to provide a buffer (31) with a protective shield (30). The shield is forced into engagement to the buffer (by means of the insertion of the striker) and is presented with a pair of lateral edges (30a) that has an equivalent function.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the arrest means described by Watermann '911 with a cover, as taught by Tack '202, in order to protect the buffer and in order to make the buffer described by Watermann '911 capable of distribute the impact load of the striker across the arrest means.

Further Watermann '911 fails to disclose that the second end of the buffer is concave.

Jeavons teaches that it is well known in the art to provide a buffer (21) having an end that is concave (at 28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second end of the buffer described by Watermann '911 with a concave surface, as taught by Jeavons, since a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

As to claims 4 and 15, Watermann '911 discloses that the buffer (17) is made of an elastomeric material.

6. **Claims 1,4,12,13 and 15 are rejected** under 35 U.S.C. 103(a) as being unpatentable over FR Pat No 2,786,524 to Dejean in view of US Pat No 3,997,202 to Tack et al (Tack '202) and further in view of US Pat No 4,130,308 to Jeavons.

Regarding claims 1,12 and 13, Dejean discloses a lock comprising a closing mechanism designed for coupling with a lock striker (2) along a direction of relative coupling; and a supporting body having a housing seat (1) for an engagement portion of the lock striker and having an entry area for the engagement portion of the lock striker and is delimited laterally, by a pair of opposing sidewalls (12,13), and at an end opposite to the entry area by a bottom wall (14) orthogonal to the direction of relative coupling.

The lock further comprises an elastically compliant buffer (30) having a first end coupled to the bottom wall retaining the buffer in the housing seat.

However, Dejean fails to disclose that the buffer is coated on their surface, in the area of interaction with the engagement portion of the lock striker by a rigid protective shield. Watermann discloses that the arrest means (17) is distinct from the ramps (9 and 10).

Tack '202 teaches that it is well known in the art to provide a buffer (31) with a protective shield (30). The shield is forced into engagement to the buffer (by means of the insertion of the striker) and is presented with a pair of lateral edges (30a) that has an equivalent function.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the arrest means described by Dejean with a cover,

as taught by Tack '202, in order to protect the buffer and in order to make the buffer described by Dejean capable of distribute the impact load of the striker across the arrest means.

Further Dejean fails to disclose that the second end of the buffer is concave.

Jeavons teaches that it is well known in the art to provide a buffer (21) having an end that is concave (at 28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second end of the buffer described by Dejean with a concave surface, as taught by Jeavons, since a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

As to claims 4 and 15, Dejean, as modified by Tack '202 and Jeavons, teaches that the buffer can be made of an elastomeric material.

7. **Claims 8 and 9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,848,911 to Watermann et al (Watermann '911) in view of US Pat No 3,997,202 to Tack et al (Tack '202) and further in view of US Pat No 4,130,308 to Jeavons as applied to claim 1 above, and further in view of JP Pat No 02176084 (JP '084).

Waterman '911, as modified by Tack '202 and Jeavons, fails to disclose that the buffer includes a projection extending from the first end disposed in a recess formed in the bottom wall of the housing-seat coupling the buffer to the bottom wall.

JP '084 teaches that it is well known in the art to provide a housing seat having a bottom wall (7) with a recess that receives a projection that extends from an end of a buffer (10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the buffer described by Watermann '911, as modified by Tack '202 and Jeavons, with a projection that is received in a recess of the bottom wall, as taught by JP '084, in order to secure in place the buffer with respect to the housing.

As to claim 9, Waterman '911, as modified by JP '084, teaches that the projection is defined by opposite lateral edges converging with respect to one another toward the first end.

8. **Claims 8-10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over FR Pat No 2,786,524 to Dejean in view of US Pat No 3,997,202 to Tack et al (Tack '202) and further in view of US Pat No 4,130,308 to Jeavons as applied to claim 1 above, and further in view of JP Pat No 02176084 (JP '084).

Dejean, as modified by Tack '202 and Jeavons, fails to disclose that the buffer includes a projection extending from the first end disposed in a recess formed in the bottom wall of the housing seat coupling the buffer to the bottom wall.

JP '084 teaches that it is well known in the art to provide a housing seat having a bottom wall (7) with a recess that receives a projection that extends from an end of a buffer (10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the buffer described by Dejean, as modified by Tack '202 and Jeavons, with a projection that is received in a recess of the bottom wall, as taught by JP '084, in order to secure in place the buffer with respect to the housing.

As to claim 9, Dejean, as modified by JP '084, teaches that the projection is defined by opposite lateral edges converging with respect to one another toward the first end.

As to claim 10, Dejean discloses that the buffer (30) includes opposite lateral surfaces (32,34) bearing upon the sidewalls (12,13).

9. **Claims 5 and 11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over FR Pat No 2,786,524 to Dejean in view of US Pat No 3,997,202 to Tack et al (Tack '202), US Pat No 4,130,308 to Jeavons and in view of JP Pat No 02176084 (JP '084) as applied to claim 10 above, and further in view of US Pat No 5,727,825 to Spurr.

As to claim 11, Dejean, as modified by Tack '202, Jeavons and JP '084, fails to disclose that the buffer further includes a slot disposed between the first end and the second end, extending transversally to the sidewalls.

Spurr teaches that it is well known in the art to provide a slot on a buffer (32) that is disposed between the first end and the second end and extends transversally to the sidewalls.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the buffer described by Dejean, as modified by Tack

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'202, Jeavons and JP '084, with a slot, as taught by Spurr, in order to provide a cushioning effect when the striker contact the buffer.

As to claim 5, Dejean, as modified by Tack '202, Jeavons, JP '084 and Spurr, teaches that the buffer and the shield, in the area of interaction with the engagement portion of the lock striker, a U-shaped conformation.

10. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over FR Pat No 2,786,524 to Dejean in view of US Pat No 3,997,202 to Tack et al (Tack '202), US Pat No 4,130,308 to Jeavons, JP Pat No 02176084 (JP '084) and in view of US Pat No 5,727,825 to Spurr as applied to claim 5 above, and further in view of US Pat No 5,348,355 to Oyha.

Dejean, as modified by Tack '202, Jeavons, JP '084 and Spurr, fails to disclose that the in the shield has, in the area of interaction with the engagement portion of the striker, a surface coating of ceramic material.

Oyha teaches that it is well known in the art to provide an area of interaction (118) with the engagement portion of a striker (3), with a ceramic coating (119).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the area of engagement described by Dejean, as modified by Tack '202, Jeavons, JP '084 and Spurr, with a ceramic coating, as taught by Oyha, in order to make the striker move smoothly into engagement with the buffer.

11. **Claim 14 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,848,911 to Watermann et al (Watermann '911) in view of US Pat No 3,997,202 to

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Tack et al (Tack '202) and further in view of US Pat No 4,130,308 to Jeavons as applied to claim 12 above, and further in view of US Pat No 5,348,355 to Oyha.

Watermann '911, as modified by Tack '202 and Jeavons, fails to disclose that the in the shield has, in the area of interaction with the engagement portion of the striker, a surface coating of ceramic material.

Oyha teaches that it is well known in the art to provide an area of interaction (118) with the engagement portion of a striker (3), with a ceramic coating (119).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the area of engagement described by Watermann '911, as modified by Tack '202 and Jeavons, with a ceramic coating, as taught by Oyha, in order to make the striker move smoothly into engagement with the buffer.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over FR Pat No 2,786,524 to Dejean in view of US Pat No 3,997,202 to Tack et al (Tack '202) and further in view of US Pat No 4,130,308 to Jeavons as applied to claim 12 above, and further in view of US Pat No 5,348,355 to Oyha.

Dejean, as modified by Tack '202 and Jeavons, fails to disclose that the in the shield has, in the area of interaction with the engagement portion of the striker, a surface coating of ceramic material.

Oyha teaches that it is well known in the art to provide an area of interaction (118) with the engagement portion of a striker (3), with a ceramic coating (119).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the area of engagement described by Dejean, as

modified by Tack '202 and Jeavons, with a ceramic coating, as taught by Oyha, in order to make the striker move smoothly into engagement with the buffer.

Response to Arguments

13. Applicant's arguments filed on January 8, 2007 have been fully considered but they are not persuasive.

The applicant argues that Tack '202 fails to disclose that the shield plate is retained to the end of the buffer by "snap-fitting opposed lateral surfaces around the buffer (Page 12 Line 19).

The new limitation presented by the applicant to the specification and claims that the shield is now snap-fitted to the buffer is considered as new matter. At the instant, Tack '202 teaches that it is well known in the art to provide a buffer (31) with a protective shield (30). The shield is forced into engagement to the buffer (by means of the insertion of the striker) and is presented with a pair of lateral edges (30a) that has an equivalent function. Therefore, the rejection is maintained.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CLG', followed by a horizontal line.

Carlos Lugo
Patent Examiner
Art Unit 3676

March 26, 2007.